



ATTN: MAIL STOP SEQUENCE
PATENT APPLICATION

Gp/1648

THE UNITED STATES PATENT AND TRADEMARK OFFICE

#15
Ampl. (Bu) Key

In Re the Application of:

Haynes, Joel R.
Wonderling, Ramani S.
Stinchcomb, Dan T.

Group Art Unit: 1648

Examiner: Foley, Shannon A.

SUPPLEMENTAL RESPONSE

RECEIVED

APR 24 2003

TECH CENTER 1600/2900

Serial No.: 09/830,221

Filed: August 10, 2001

Atty. File No.: DE-3-C2-PUS

For: "CATIONIC LIPID-MEDIATED
ENHANCEMENT OF NUCLEIC
ACID IMMUNIZATION OF CATS"

CERTIFICATE OF MAILING	
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO MAIL STOP SEQUENCE, COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231, ON THIS 16TH DAY OF APRIL 2003.	
By:	<u>Susan A. Gordon</u> HESKA CORPORATION Susan A. Gordon

Mail Stop Sequence
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Ampl. placed before.

This Supplemental Response is in reply to the Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures accompanying the Office Action mailed from the USPTO on January 2, 2003. A response to the Office Action, which included a petition for a one-month Extension of Time extending the period for response from April 2, 2003 to May 2, 2003, was mailed on April 15, 2003. Accordingly, Applicants do not believe that any fees are due at this time, but in the event fees are due, please debit Deposit Account 081930.

With regard to the Notice to Comply under 37 C.F.R. 1.821(c), Applicants note that on March 11, 2002, they responded to a Notification of Missing Requirements by submitting both a paper copy and computer readable form (CRF) of the sequence listing, along with a statement that the paper and CRF are identical. As evidence of this submission, Applicants direct the

Examiner's attention to the attached copy of that filing, along with the postcard receipt.


However, in order to expedite prosecution and as a convenience to the Examiner, Applicants are providing herewith a duplicate copy of both the paper form and the CRF of the sequence listing.

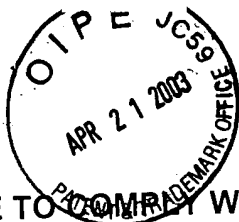
Also enclosed is a copy of the Notice to Comply.

If there are any questions, the Examiner is encouraged to contact the undersigned at
(970) 493-7272 ext. 4174.

Respectfully submitted,

Dated: April 16, 2003

By: 
Richard J. Stern, Ph.D.
Registration No. 50,668
Heska Corporation
1613 Prospect Parkway
Fort Collins, Colorado 80525
Telephone: (970) 493-7272
Facsimile: (970) 491-9976



COPY

Application No.: 09830221

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

Applicant Must Provide:

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support (SIRA)

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

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APR 24 2003

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ATTN: BOX MISSING PARTS
PATENT APPLICATION

UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Haynes, Joel R.
Wonderling, Ramani S.
Stinchcomb, Dan T.

) Group Art Unit:

) Examiner:

RESPONSE TO NOTIFICATION
OF MISSING REQUIREMENTS

Serial No.: 09/830,221

Filed: April 23, 2001

Atty. File No.: DE-3-C2-PUS

For: "CATIONIC LIPID-MEDIATED
ENHANCEMENT OF NUCLEIC
ACID IMMUNIZATION OF CATS"

COPY

CERTIFICATE OF MAILING	
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, ADDRESSED TO BOX SEQUENCE, COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231, ON THIS 11th DAY OF MARCH 2002.	
HESKA CORPORATION	
By:	<i>Laney Keefe</i> Laney Keefe

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APR 24 2003

TECH CENTER 1600/2900

Box SEQUENCE

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), mailed from the U.S. Patent and Trademark Office on January 9, 2002. Applicants submit the following documents:

1. a copy of the Notification of Missing Requirements;
2. a paper copy and computer readable form (diskette) of the one-page Sequence Listing of SEQ ID NO:1 through SEQ ID NO:2;
3. a statement that the paper and computer readable form are the same and include no new matter;
4. a copy of a Revocation of Power of Attorney or Authorization of Agent, along with a copy of the recorded Assignment to Heska Corporation, filed with the PTO on September 18, 2001; and
5. an Associate Power of Attorney.

REMARKS

PatentIn 3.1 was used to prepare the paper and diskette copies of the "Sequence Listing" of SEQ ID NO:1 through SEQ ID NO:2. Applicants respectfully submit that the replacement paper and diskette copies of the "Sequence Listing" embody merely the sequences as listed in the specification and therefore include no new matter.

Applicants hereby assert pursuant to 37 CFR § 1.821(f) and (g) and § 1.825(b) that the content of the initial paper and computer readable copies of SEQ ID NO:1 through SEQ ID NO:2 submitted are the same and include no new matter.

PLEASE SEND FUTURE COMMUNICATIONS TO THE HESKA CORPORATION ADDRESS:

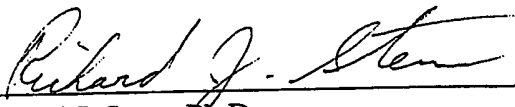
**PTO CUSTOMER NO. 26949
HESKA CORPORATION
INTELLECTUAL PROPERTY DEPT.
1613 PROSPECT PARKWAY
FORT COLLINS, CO 80525**

Applicants note the Notice of Missing Requirements was sent to the old address even though a Revocation of Power of Attorney or Authorization of Agent, along with a copy of the recorded Assignment to Heska Corporation, was filed on September 18, 2001, changing the attorney of record and address to the above address.

Applicants do not believe that fees are due, but in the event fees are due, please debit Deposit Account No. 081930.

Respectfully submitted,

Dated: March 6, 2002


Richard J. Stern, Ph.D.
Registration No. 50,668
Heska Corporation
1613 Prospect Parkway
Fort Collins, Colorado 80525
Telephone: (970) 493-7272
Facsimile: (970) 491-9976



COPY

DE-3-C2-PUS

Commissioner for Patents, Box P-1
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 09/830,221	FIRST NAMED APPLICANT Joel R. Haynes	ATTY. DOCKET NO. HKZ-034CPUS
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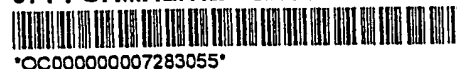
INTERNATIONAL APPLICATION NO. PCT/US99/24769	
LA. FILING DATE 10/22/1999	PRIORITY DATE 10/23/1998

Elizabeth A Hanley
 Lahive & Cockfield
 28 State Street
 Boston, MA 02109

Correct Address:

PTO Customer No. 26949
 Heska Corporation
 Intellectual Property Dept.
 1613 Prospect Parkway
 Fort Collins, CO 80525

CONFIRMATION NO. 3163
 371 FORMALITIES LETTER



OC000000007283055

Date Mailed: 01/09/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Claims
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Initial Application Filing Fees
- Oath or Declaration
- Oath or Declaration
- Original Specification
- Preliminary Amendments
- Small Entity Statement

APR 24 2003

TECH CENTER 1600/2900

RECEIVED LAHIVE & COCKFIELD DOCKET DEPT. JAN 14 2002 RETRIEVED: _____ FORWARDED: _____

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
 - APPLICANT MUST PROVIDE:

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 305-3688

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/830,221	PCT/US99/24769	HKZ-034CPUS



COPY

Please type a plus sign (+) inside this box →

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/830,221	
	Filing Date	23 April 2001	
	First Named Inventor	Joel R. Haynes, et al.	
	Group Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	14	Attorney Docket Number	DE-3-C2-PUS (HKZ-034CPUS)

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Assignment Papers (copy) (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): RECEIVED APR 24 2003 TECH CENTER 1600/2900
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Carol Talkington Verser, Ph.D., Registration No. 37,459 Heska Corporation
Signature	<i>Carol Talkington Verser</i>
Date	September 18, 2001

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>Sep. 18, 2001</u>			
Typed or printed name	Susan A. Gordon	Date	September, 2001
Signature	<i>Susan A. Gordon</i>		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box —



COPY

PTO/SB/82 (10/00)
Approved for use through 10/31/2002. OMB 0651-0035
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	09/830,221
Filing Date	23 April 2001
First Named Inventor	Joel R. Haynes, et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	DE-3-C2-PUS (HKZ-034CPUS)

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

☐ A Power of Attorney or Authorization of Agent is submitted herewith.

OR

☒ Please change the correspondence address for the above-identified application to:

☒ Customer Number

26949



OR

☐ Firm or Individual Name

26949

PATENT TRADEMARK OFFICE

Address

Address

City

Country

State

ZIP

Telephone

Fax

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I am the:

APR 24 2003

☐ Applicant/Inventor

☒ Assignee of record of the entire interest. See 37 CFR 3.71
Certificate under 37CFR 3.73(b) is enclosed (Form PTO/SB/96)

TECH CENTER 1600/2900

SIGNATURE of Applicant or Assignee of Record

Name

Carol Talkington Verser, Ph.D., Registration No. 37,459

Signature

Carol Talkington Verser

Date

September 18, 2001

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ Total of 2 forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

STATEMENT UNDER 37 CFR 3.73(b)

COPY

Applicant: HESKA CORPORATIONApplication No.: 09/830,221Filed: 23 April 2001Entitled: CATIONIC LIPID-MEDIATED ENHANCEMENT OF NUCLEIC ACID IMMUNIZATION OF CATSHESKA CORPORATION

(Name of Assignee)

Delaware corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was ^{submitted to} ~~recorded in~~ the Patent and Trademark Office ~~on Reel xxxxxxxx Frame xxxxxx~~ for which a copy thereof is attached.
^{on August 6, 2001,}

OR

- B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
 The document was recorded in the Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
 The document was recorded in the Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
 The document was recorded in the Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

September 18, 2001

Date

Signature

Robert B. Grieve

Typed or printed name

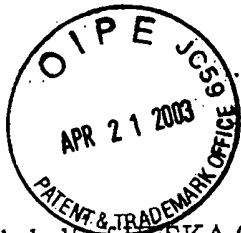
Chairman and
Chief Executive Officer

Title

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TECH CENTER 1600/2900



POWER OF ATTORNEY

COPY

On behalf of HESKA CORPORATION, a Delaware corporation, having a principal place of business at 1613 Prospect Parkway, Fort Collins, Colorado 80525, being the assignee of and owning all right, title and interest in the invention entitled "CATIONIC LIPID-MEDIATED ENHANCEMENT OF NUCLEIC ACID IMMUNIZATION OF CATS," for which an application for Letters Patent of the United States has been made by Joel R. Haynes, Ramani S. Wonderling and Dan T. Stinchcomb, said application being identified as Attorney File No. DE-3-C2-PUS (HKZ-034CPUS) and filed on April 23, 2001, receiving Serial No. 09/830,221, I, Robert B. Grieve, as Chairman and Chief Executive Officer of Heska Corporation, hereby appoint Carol Talkington Verser, Registration No. 37,459; Timothy L. McCutcheon, Registration No. 41,184; and Theresa A. Brown, Registration No. 32,547; of Heska Corporation, 1613 Prospect Parkway, Fort Collins, Colorado 80525, telephone number (970) 493-7272, as attorneys and agents for HESKA CORPORATION with full powers of substitution, association and revocation to prosecute the application and related U.S. and foreign applications and to transact all business in the United States Patent and Trademark Office and all foreign and international patent offices connected therewith.

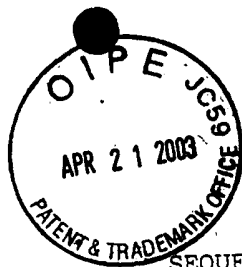
Dated: September 18, 2001

By: *Robert B. Grieve*
Name: Robert B. Grieve
Title: Chairman and Chief Executive Officer

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TECH CENTER 1600/2900



DE-3-C2-PUS
SEQUENCE LISTING

<110> Haynes, Joel R.
Wonderling, Ramani S.
Stinchcomb, Dan T.

<120> CATIONIC LIPID-MEDIATED ENHANCEMENT OF NUCLEIC ACID IMMUNIZATION
OF CATS

<130> DE-3-C2-PUS

<140> 09/830,221

<141> 2001-04-23

<150> PCT/US99/24769

<151> 1999-10-22

<160> 2

<170> PatentIn version 3.1

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<211> 28

<212> DNA

<213> Artificial sequence

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<223> Synthetic Primer

<400> 2

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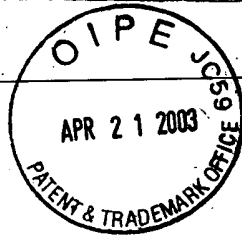
dupl.

27

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TECH CENTER 1600/2900₂₈



RECYCLABLE FLOPPY DISK MAILER

FORMAT: PATENT IN VERSION 3.1
APPLICANT: HAYNES, ET AL.
INVENTION: CATIONIC LIPID-MEDIATED
ENHANCEMENT OF NUCLEIC
ACID IMMUNIZATION OF
CATS

DATE RECORDED: 2002-02-15
EQUIPMENT: IBM PC COMPATIBLE
APPLICATION DATE: 2001-04-23
SERIAL NO.: 09/830,221
ATTY. FILE NO.: DE-3-C2-PUS

CAUTION
FLOPPY DISK ENCLOSED

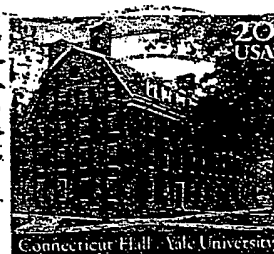
Do not bend or fold

AVOID ALL EXPOSURE TO MAGNETIC FIELDS

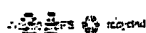
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TECH CENTER 1600/2900



Heska Corporation
Intellectual Property Dept.
1613 Prospect Parkway
Fort Collins, CO 80525



Docketed

JC10 Rec'd PCT/PTO 21 MAR 2002

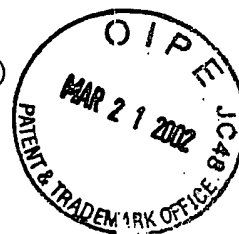
DATE: March 5, 2002

APPLICANT: Joel R. Haynes; Ramani S. Wonderling;
Dan T. Stinchcomb

SERIAL NO.: 09/830,221

ATTY. FILE NO.: DE-3-C2-PUS (HKZ-034CPUS)

TITLE: "CATIONIC LIPID-MEDIATED
ENHANCEMENT OF NUCLEIC ACID
IMMUNIZATION OF CATS"



RECEIPT IS HEREBY ACKNOWLEDGED OF:

Response to Notification of Missing Requirements; paper
copy and diskette (CRF) of Sequence Listing (SEQ ID NO:1
and SEQ ID NO:-2); copy of previously filed Revocation of
POA or Authorization of Agent, along with related
documents; and Associate Power of Attorney; deposited
with the U.S. Postal Service as First Class Mail this date.

RECEIVED

APR 24 2003

TECH CENTER 1600/2900